

109TH CONGRESS
2D SESSION

H. R. 6155

To establish guidelines and incentives for States to establish criminal drug dealer registries and to require the Attorney General to establish a national criminal drug dealer registry and notification program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2006

Mr. PEARCE introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To establish guidelines and incentives for States to establish criminal drug dealer registries and to require the Attorney General to establish a national criminal drug dealer registry and notification program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Communities Leading
5 Everyone Away From Narcotics Through Online Warning
6 Notification Act”, or the “CLEAN TOWN Act”.

1 **SEC. 2. DRUG DEALER REGISTRATION AND NOTIFICATION**
2 **PROGRAM.**

3 (a) REGISTRY REQUIREMENTS FOR JURISDIC-
4 TIONS.—

5 (1) JURISDICTION TO MAINTAIN A REGISTRY.—

6 Each jurisdiction shall establish and maintain a ju-
7 risdiction-wide criminal drug dealer registry con-
8 forming to the requirements of this section.

9 (2) GUIDELINES AND REGULATIONS.—The At-
10 torney General shall issue guidelines and regulations
11 to interpret and implement this section.

12 (b) REGISTRY REQUIREMENTS FOR CRIMINAL DRUG
13 DEALERS.—

14 (1) IN GENERAL.—A criminal drug dealer shall
15 register, and shall keep the registration current, in
16 each jurisdiction where the dealer resides, where the
17 dealer is an employee, and where the dealer is a stu-
18 dent. For initial registration purposes only, a crimi-
19 nal drug dealer shall also register in the jurisdiction
20 in which convicted if such jurisdiction is different
21 from the jurisdiction of residence.

22 (2) INITIAL REGISTRATION.—The criminal drug
23 dealer shall initially register—

24 (A) before completing a sentence of impris-
25 onment with respect to the offense giving rise
26 to the registration requirement; or

1 (B) not later than three business days
2 after being sentenced for that offense, if the
3 criminal drug dealer is not sentenced to a term
4 of imprisonment.

5 (3) KEEPING THE REGISTRATION CURRENT.—A
6 criminal drug dealer shall, not later than three busi-
7 ness days after each change of name, residence, em-
8 ployment, or student status, appear in person in at
9 least one jurisdiction involved pursuant to paragraph
10 (1) and inform that jurisdiction of all changes in the
11 information required for that dealer in the criminal
12 drug dealer registry. That jurisdiction shall imme-
13 diately provide the revised information to all other
14 jurisdictions in which the dealer is required to reg-
15 ister.

16 (4) INITIAL REGISTRATION OF CRIMINAL DRUG
17 DEALERS UNABLE TO COMPLY WITH PARAGRAPH
18 (2).—The Attorney General shall have the authority
19 to specify the applicability of the requirements of
20 this section to criminal drug dealers convicted before
21 the date of the enactment of this Act or its imple-
22 mentation in a particular jurisdiction, and to pre-
23 scribe rules for the registration of any such criminal
24 drug dealers and other categories of criminal drug

1 offenders who are unable to comply with paragraph
2 (2).

3 (5) STATE PENALTY FOR FAILURE TO COM-
4 PLY.—Each jurisdiction, other than a federally rec-
5 ognized Indian tribe, shall provide a criminal penalty
6 that includes a maximum term of imprisonment that
7 is greater than one year for the failure of a criminal
8 drug dealer to comply with the requirements of this
9 section.

10 (6) LIMITED AUTHORITY TO EXEMPT CERTAIN
11 DRUG DEALERS FROM REGISTRY REQUIREMENTS.—
12 A jurisdiction shall have the authority to exempt a
13 criminal drug dealer who has been convicted of a
14 criminal drug dealing offense for the first time from
15 the registration requirements under this section in
16 exchange for such dealer's substantial assistance in
17 the investigation or prosecution of another person
18 who has committed an offense. The jurisdiction shall
19 revoke any such exemption and order the dealer to
20 comply with the registration requirements of this
21 section immediately upon cessation of active co-
22 operation with the jurisdiction relating to such inves-
23 tigation or prosecution. The Attorney General shall
24 assure that any regulations promulgated under this
25 section include guidelines that reflect the general ap-

1 appropriateness of exempting such a dealer from the
2 registration requirements under this section.

3 (c) INFORMATION REQUIRED IN REGISTRATION.—

4 (1) PROVIDED BY THE DEALER.—A criminal
5 drug dealer shall provide the following information
6 to the appropriate official for inclusion in the criminal
7 drug dealer registry of a jurisdiction in which
8 such dealer is required to register:

9 (A) The name of the dealer (including any
10 alias used by the dealer).

11 (B) The Social Security number of the
12 dealer.

13 (C) The address of each residence at which
14 the dealer resides or will reside.

15 (D) The name and address of any place
16 where the dealer is an employee or will be an
17 employee.

18 (E) The name and address of any place
19 where the dealer is a student or will be a student.
20

21 (F) The license plate number and a description
22 of any vehicle owned or operated by
23 the dealer.

24 (G) Any other information required by the
25 Attorney General.

1 (2) PROVIDED BY THE JURISDICTION.—The ju-
2 risdiction in which a criminal drug dealer registers
3 shall ensure that the following information is in-
4 cluded in the registry for such dealer:

5 (A) A physical description of the dealer.

6 (B) The text of the provision of law defin-
7 ing the criminal offense for which the dealer is
8 registered.

9 (C) The criminal history of the dealer, in-
10 cluding the date of all arrests and convictions;
11 the status of parole, probation, or supervised
12 release; registration status; and the existence of
13 any outstanding arrest warrants for the dealer.

14 (D) A current photograph of the dealer.

15 (E) A set of fingerprints and palm prints
16 of the dealer.

17 (F) A photocopy of a valid driver's license
18 or identification card issued to the dealer by a
19 jurisdiction.

20 (G) Any other information required by the
21 Attorney General.

22 (d) DURATION OF REGISTRATION REQUIREMENT.—
23 A criminal drug dealer shall keep the registration informa-
24 tion provided under subsection (c) current for the full reg-
25 istration period (excluding any time the dealer is in cus-

1 today or civilly committed). For purposes of this subsection,
2 the full registration period—

3 (1) shall commence on the later of the date on
4 which the dealer is convicted of a criminal drug deal-
5 ing offense, the date on which the dealer is released
6 from prison for such conviction, or the date on
7 which such dealer is placed on parole, supervised re-
8 lease, or probation for such conviction; and

9 (2) shall be—

10 (A) five years for a dealer who has been
11 convicted of a criminal drug dealing offense for
12 the first time;

13 (B) ten years for a dealer who has been
14 convicted of a criminal drug dealing offense for
15 the second time; and

16 (C) for the life of the dealer for a dealer
17 who has been convicted of a criminal drug deal-
18 ing offense more than twice.

19 (e) ANNUAL VERIFICATION.—Not less than once in
20 each calendar year during the full registration period, a
21 criminal drug dealer required to register under this section
22 shall—

23 (1) appear in person at not less than one juris-
24 diction in which such dealer is required to register;

1 (2) allow such jurisdiction to take a current
2 photograph of the dealer; and

3 (3) while present at such jurisdiction, verify the
4 information in each registry in which that dealer is
5 required to be registered.

6 (f) DUTY TO NOTIFY CRIMINAL DRUG DEALERS OF
7 REGISTRATION REQUIREMENTS AND TO REGISTER.—

8 (1) IN GENERAL.—An appropriate official shall,
9 shortly before release of a criminal drug dealer from
10 custody, or, if the dealer is not in custody, imme-
11 diately after the sentencing of the dealer for the of-
12 fense giving rise to the duty to register—

13 (A) inform the dealer of the duties of the
14 dealer under this section and explain those du-
15 ties;

16 (B) require the dealer to read and sign a
17 form stating that the duty to register has been
18 explained and that the dealer understands the
19 registration requirement; and

20 (C) ensure that the dealer is registered.

21 (2) NOTIFICATION OF CRIMINAL DRUG DEAL-
22 ERS WHO CANNOT COMPLY WITH PARAGRAPH (1).—
23 The Attorney General shall prescribe rules for the
24 notification of criminal drug dealers who cannot be

1 notified and registered in accordance with paragraph
2 (1).

3 (g) PUBLIC ACCESS TO CRIMINAL DRUG DEALER IN-
4 FORMATION THROUGH THE INTERNET.—

5 (1) IN GENERAL.—Except as provided in this
6 subsection, each jurisdiction shall make available on
7 the Internet, in a manner that is readily accessible
8 to all jurisdictions and to the public, all information
9 about each criminal drug dealer in the registry. The
10 jurisdiction shall maintain the Internet site in a
11 manner that will permit the public to obtain relevant
12 information for each such dealer by a single query
13 for any given zip code or geographic radius set by
14 the user. The jurisdiction shall also include in the
15 design of its Internet site all field search capabilities
16 needed for full participation in the National criminal
17 drug dealer public Internet site established under
18 subsection (i) and shall participate in that website as
19 provided by the Attorney General.

20 (2) MANDATORY EXEMPTIONS.—A jurisdiction
21 shall exempt from public disclosure, with respect to
22 information about a criminal drug dealer—

23 (A) the identity of any victim of an of-
24 fense;

1 (B) the Social Security number of the
2 criminal drug dealer;

3 (C) any reference to arrests of the criminal
4 drug dealer that did not result in conviction;
5 and

6 (D) any other information exempted from
7 public disclosure by the Attorney General.

8 (3) OPTIONAL EXEMPTIONS.—A jurisdiction
9 may exempt from public disclosure, with respect to
10 information about a criminal drug dealer—

11 (A) any information about the dealer in-
12 volving conviction for an offense other than the
13 offense or offenses for which the dealer is reg-
14 istered;

15 (B) the name of an employer of the dealer;

16 (C) the name of an educational institution
17 where the dealer is a student;

18 (D) any information about the dealer if the
19 dealer is participating in a witness protection
20 program and the release of such information
21 could jeopardize the safety of the dealer or any
22 other individual; and

23 (E) any other information identified as an
24 optional exemption from public disclosure by
25 the Attorney General.

1 (4) LINKS.—An Internet site established by a
2 jurisdiction pursuant to paragraph (1) shall include,
3 to the extent practicable, links to substance abuse
4 education resources.

5 (5) CORRECTION OF ERRORS.—An Internet site
6 established by a jurisdiction pursuant to paragraph
7 (1) shall include instructions on how to seek correc-
8 tion of information that an individual contends is er-
9 roneous.

10 (6) WARNING.—An Internet site established by
11 a jurisdiction pursuant to paragraph (1) shall in-
12 clude a warning that information on the site should
13 not be used to unlawfully injure, harass, or commit
14 a crime against any individual named in the registry
15 or residing or working at any reported address. The
16 warning shall note that any such action could result
17 in civil or criminal penalties.

18 (h) NATIONAL CRIMINAL DRUG DEALER REG-
19 ISTRY.—

20 (1) IN GENERAL.—The Attorney General shall
21 maintain a national database at the Federal Bureau
22 of Investigation for each criminal drug dealer and
23 any other person required to register in a jurisdic-
24 tion's criminal drug dealer registry under subsection

1 (a). The database shall be known as the National
2 Criminal Drug Dealer Registry.

3 (2) ELECTRONIC FORWARDING.—The Attorney
4 General shall ensure (through the National Criminal
5 Drug Dealer Registry or otherwise) that updated in-
6 formation about a criminal drug dealer is imme-
7 diately transmitted by electronic forwarding to all
8 relevant jurisdictions.

9 (i) NATIONAL CRIMINAL DRUG DEALER PUBLIC
10 INTERNET SITE.—The Attorney General shall establish
11 and maintain a national criminal drug dealer public Inter-
12 net site. The Internet site shall include relevant informa-
13 tion for each criminal drug dealer and other person listed
14 on a jurisdiction's Internet site under subsection (g). The
15 Internet site shall allow the public to obtain relevant infor-
16 mation for each such offender by a single query for any
17 given zip code or geographical radius set by the user in
18 a form and with such limitations as may be established
19 by the Attorney General and shall have such other field
20 search capabilities as the Attorney General may provide.

21 (j) NOTIFICATION PROCEDURES.—Under a criminal
22 drug dealer registration program established by a jurisdic-
23 tion pursuant to subsection (a), immediately after a crimi-
24 nal drug dealer registers or updates a registration, an ap-
25 propriate official in the jurisdiction shall provide the infor-

1 mation in the registry (other than information exempted
2 from disclosure by the Attorney General) about that of-
3 fender to the following:

4 (1) The Attorney General, who shall include
5 that information in the National Criminal Drug
6 Dealer Registry or other appropriate databases.

7 (2) Appropriate law enforcement agencies (in-
8 cluding probation agencies, if appropriate), and each
9 school and public housing agency, in each area in
10 which the offender resides, is an employee, or is a
11 student.

12 (3) Each jurisdiction where the offender re-
13 sides, is an employee, or is a student, and each juris-
14 diction from or to which a change of residence, em-
15 ployment, or student status occurs.

16 (4) Any organization, company, or individual
17 who requests such notification pursuant to proce-
18 dures established by the jurisdiction.

19 (k) ACTIONS TO BE TAKEN WHEN CRIMINAL DRUG
20 DEALER FAILS TO COMPLY.—Under a criminal drug deal-
21 er registration program established by a jurisdiction pur-
22 suant to subsection (a), an appropriate official of the juris-
23 diction shall notify the Attorney General and appropriate
24 law enforcement agencies of any failure by a criminal drug
25 dealer to comply with the requirements of the criminal

1 drug dealer registry for such jurisdiction, and shall revise
2 the registry to reflect the nature of such failure. The ap-
3 propriate official, the Attorney General, and each such law
4 enforcement agency shall take any appropriate action to
5 ensure compliance.

6 (l) DEVELOPMENT AND AVAILABILITY OF REGISTRY
7 MANAGEMENT AND WEBSITE SOFTWARE.—

8 (1) DUTY TO DEVELOP AND SUPPORT.—The
9 Attorney General shall, in consultation with the ju-
10 risdictions, develop and support software to enable
11 jurisdictions to establish and operate uniform crimi-
12 nal drug dealer registries and Internet sites.

13 (2) CRITERIA.—The software described in para-
14 graph (1) should facilitate—

15 (A) immediate exchange of information
16 among jurisdictions;

17 (B) public access over the Internet to ap-
18 propriate information, including the number of
19 registered criminal drug dealers in each juris-
20 diction on a current basis;

21 (C) full compliance with the requirements
22 of this section; and

23 (D) communication of information as re-
24 quired under subsection (j).

1 (3) DEADLINE.—The Attorney General shall
2 make the first complete edition of this software
3 available to jurisdictions not later than two years
4 after the date of the enactment of this Act.

5 (m) PERIOD FOR IMPLEMENTATION BY JURISDIC-
6 TIONS.—

7 (1) DEADLINE.—To be in compliance with this
8 section, a jurisdiction shall implement this section
9 before the later of—

10 (A) three years after the date of the enact-
11 ment of this Act; or

12 (B) one year after the date on which the
13 software described in subsection (l) is made
14 available to such jurisdiction.

15 (2) EXTENSIONS.—The Attorney General may
16 authorize not more than two one-year extensions of
17 the deadline under paragraph (1).

18 (n) FAILURE OF JURISDICTION TO COMPLY.—

19 (1) IN GENERAL.—For any fiscal year after the
20 deadline described in subsection (m), a jurisdiction
21 that fails, as determined by the Attorney General, to
22 substantially implement this section shall not receive
23 10 percent of the funds that would otherwise be allo-
24 cated for that fiscal year to the jurisdiction under
25 subpart 1 of part E of title I of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (42 U.S.C.
2 3750 et seq.).

3 (2) STATE CONSTITUTIONALITY.—

4 (A) IN GENERAL.—When evaluating
5 whether a jurisdiction has substantially imple-
6 mented this section, the Attorney General shall
7 consider whether the jurisdiction is unable to
8 substantially implement this section because of
9 a demonstrated inability to implement certain
10 provisions that would place the jurisdiction in
11 violation of its constitution, as determined by a
12 ruling of the jurisdiction’s highest court.

13 (B) EFFORTS.—If the circumstances arise
14 under subparagraph (A), then the Attorney
15 General and the jurisdiction involved shall make
16 good faith efforts to accomplish substantial im-
17 plementation of this section and to reconcile
18 any conflicts between this section and the juris-
19 diction’s constitution. In considering whether
20 compliance with the requirements of this section
21 would likely violate the jurisdiction’s constitu-
22 tion or an interpretation thereof by the jurisdic-
23 tion’s highest court, the Attorney General shall
24 consult with the chief executive and chief legal
25 officer of the jurisdiction concerning the juris-

1 diction’s interpretation of the jurisdiction’s con-
2 stitution and rulings thereon by the jurisdic-
3 tion’s highest court.

4 (C) ALTERNATIVE PROCEDURES.—If a ju-
5 risdiction is unable to substantially implement
6 this section because of a limitation imposed by
7 the jurisdiction’s constitution, the Attorney
8 General may determine that the jurisdiction is
9 in compliance with this section if the jurisdic-
10 tion has made, or is in the process of imple-
11 menting, reasonable alternative procedures or
12 accommodations, which are consistent with the
13 purposes of this section.

14 (D) FUNDING REDUCTION.—If a jurisdic-
15 tion determined to be in compliance under sub-
16 paragraph (C) does not comply with the alter-
17 native procedures or accommodations described
18 in such subparagraph, then the jurisdiction
19 shall be subject to a funding reduction as speci-
20 fied in paragraph (1).

21 (3) REALLOCATION.—Amounts not allocated
22 under a program referred to in this subsection to a
23 jurisdiction for failure to substantially implement
24 this section shall be reallocated under that program
25 to jurisdictions that have not failed to substantially

1 implement this section or may be reallocated to a ju-
2 risdiction from which they were withheld to be used
3 solely for the purpose of implementing this section.

4 (4) RULE OF CONSTRUCTION.—The provisions
5 of this section that are cast as directions to jurisdic-
6 tions or their officials constitute, in relation to
7 States, only conditions required to avoid the reduc-
8 tion of Federal funding under this subsection.

9 (o) ELECTION BY INDIAN TRIBES.—

10 (1) ELECTION.—

11 (A) IN GENERAL.—A federally recognized
12 Indian tribe may, by resolution or other enact-
13 ment of the tribal council or comparable gov-
14 ernmental body—

15 (i) elect to carry out this section as a
16 jurisdiction subject to its provisions; or

17 (ii) elect to delegate its functions
18 under this section to another jurisdiction
19 or jurisdictions within which the territory
20 of the tribe is located and to provide access
21 to its territory and such other cooperation
22 and assistance as may be needed to enable
23 such other jurisdiction or jurisdictions to
24 carry out and enforce the requirements of
25 this section.

(B) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in subparagraph (A)(ii) if—

(i) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(ii) the tribe does not make an election under subparagraph (A) within one year of the date of the enactment of this Act or rescinds an election under subparagraph (A)(i); or

(iii) the Attorney General determines that the tribe has not substantially implemented the requirements of this section and is not likely to become capable of doing so within a reasonable amount of time.

(2) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(A) NONDUPLICATION.—A tribe subject to this section is not required to duplicate functions under this section which are fully carried

out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(B) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(i) arrange for the tribe to carry out any function of such a jurisdiction under this section with respect to criminal drug dealers subject to the tribe’s jurisdiction; and

(ii) arrange for such a jurisdiction to carry out any function of the tribe under this section with respect to criminal drug dealers subject to the tribe’s jurisdiction.

(p) IMMUNITY FOR GOOD FAITH CONDUCT.—The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this section.

SEC. 3. CRIMINAL DRUG DEALER MANAGEMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Criminal Drug Dealer Management Assistance program (in this section referred to as the “CDDMA program”), under which the Attorney General

1 may award a grant to a jurisdiction to offset the costs
2 of implementing section 2.

3 (b) APPLICATION.—The chief executive of a jurisdic-
4 tion desiring a grant under this section shall, on an annual
5 basis, submit to the Attorney General an application in
6 such form and containing such information as the Attor-
7 ney General may require.

8 (c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—
9 A jurisdiction that, as determined by the Attorney Gen-
10 eral, has substantially implemented section 2 not later
11 than two years after the date of the enactment of this Act
12 is eligible for a bonus payment. The Attorney General may
13 make such a payment under the CDDMA program for the
14 first fiscal year beginning after that determination. The
15 amount of the bonus payment shall be—

16 (1) 10 percent of the total received by the juris-
17 diction under the CDDMA program for the pre-
18 ceding fiscal year, if that implementation is not later
19 than one year after the date of enactment of this
20 Act; and

21 (2) 5 percent of such total, if such implementa-
22 tion is not later than two years after such date of
23 enactment.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
25 tion to any amounts otherwise authorized to be appro-

1 priated, there are authorized to be appropriated to the At-
2 torney General, to be available only for the CDDMA pro-
3 gram, such sums as may be necessary for each of the fiscal
4 years 2007 through 2012.

5 **SEC. 4. DEFINITIONS.**

6 For the purposes of this Act:

7 (1) CRIMINAL DRUG DEALER.—The term
8 “criminal drug dealer” means an individual who is
9 convicted of any criminal offense for manufacturing,
10 distributing, dispensing, or possessing with the in-
11 tent to manufacture, distribute, or dispense, a con-
12 trolled substance (as such term is defined in section
13 102(6) of the Controlled Substances Act (21 U.S.C.
14 802(6))).

15 (2) CRIMINAL DRUG DEALER REGISTRY.—The
16 term “criminal drug dealer registry” means a reg-
17 istry of criminal drug dealers, and a notification pro-
18 gram, maintained by a jurisdiction.

19 (3) CRIMINAL OFFENSE.—The term “criminal
20 offense” means a State, local, tribal, foreign, or mili-
21 tary offense (to the extent specified by the Secretary
22 of Defense under section 115(a)(8)(C)(i) of Public
23 Law 105–119 (10 U.S.C. 951 note)) or other crimi-
24 nal offense.

1 (4) EMPLOYEE.—The term “employee” includes
2 an individual who is self-employed or works for any
3 other entity, whether compensated or not.

4 (5) JURISDICTION.—The term “jurisdiction”
5 means any of the following: —

6 (A) A State.

7 (B) The District of Columbia.

8 (C) The Commonwealth of Puerto Rico.

9 (D) Guam.

10 (E) American Samoa.

11 (F) The Northern Mariana Islands.

12 (G) The United States Virgin Islands.

13 (H) To the extent provided and subject to
14 the requirements of section 2(o), a federally
15 recognized Indian tribe.

16 (6) RESIDES.—The term “resides” means, with
17 respect to an individual, the location of the individ-
18 ual’s home or other place where the individual habit-
19 ually lives.

20 (7) STUDENT.—The term “student” means an
21 individual who enrolls in or attends an educational
22 institution (whether public or private), including a
23 secondary school, trade or professional school, and
24 institution of higher education.

○